

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

MARK W. FLEMMIG,

Debtor.

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Case No.: 09-23801-rdd  
(Chapter 7)

**ORDER PURSUANT TO 11 U.S.C. § 362(d)**  
**MODIFYING THE AUTOMATIC STAY IMPOSED BY 11 U.S.C. § 362(a)**

Upon the motion, dated the November 16, 2009 (the "Motion"), of America's Servicing Company as servicer for HSBC Bank USA, National Association, as Trustee for Nomura Asset Acceptance Corporation Mortgage Pass Through Certificates Series 2005-AR6 (with any subsequent successor or assign, the "Creditor"), for an order, pursuant to section 362(d) of title 11 of the United States Code (the "Bankruptcy Code") vacating the automatic stay imposed in the above captioned case by section 362(a) of the Bankruptcy Code as to the Creditor's interests in 10553 Pine Point Avenue, Unit #102, Las Vegas, NV 89144 (the "Property") to allow the Creditor's enforcement of its rights in, and remedies in and to, the Property; and due and proper notice of the Motion having been made on all necessary parties; and the Court having held a hearing on the Motion on January 11, 2010; and upon all of the proceedings had before the Court; and after due deliberation and sufficient cause appearing therefor, it is hereby

ORDERED that the Motion is granted as provided herein; and it is further

ORDERED that the automatic stay imposed in this case by section 362(a) of the Bankruptcy Code is vacated under section 362(d)(1) and (2) of the Bankruptcy Code as to the Creditor's interests in the Property to allow the Creditor's enforcement of its rights in, and remedies in and to, the Property; and it is further

ORDERED, that the chapter 7 trustee shall retain any and all interest that the estate may have in any surplus monies that may be produced from a foreclosure sale of the Property, and will be noticed of any such sale of the Property and surplus money proceedings.

Dated: January 13, 2010  
White Plains, New York

/s/Robert D. Drain  
UNITED STATES BANKRUPTCY JUDGE

